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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/664,953 | 09/22/2003 | Hsueh Yu Ho | MR1683-496 | 5732 |

4586 7590 05/17/2004

ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

EXAMINER

NELSON JR, MILTON

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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3636

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,953

Applicant(s)

HO, HSUEH YU

Examiner

Milton Nelson, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

The specification is objected to because of the following informalities: Line 10 on page 1 is grammatically incorrect. Note the recitation "a securely connected to the outer post (63)". In lines 15 to 16 on page 1, the reference character "(612)" has been inconsistently assigned. Note the slots and the passage. In lines 16 to 17 on page 1, "the passage" has been assigned inconsistent reference characters. Note "(612)" and "(611)". Line 2 on page 2 is grammatically incorrect. Note the recitation "for user to upward driving the". Line 13 on page 3 is grammatically incorrect. Note the recitation "on a chair and a second opposite to the first end". Line 23 on page 3 to line 1 on page 4 is grammatically incorrect. Note the recitation "when the outer post partially receiving the inner post". In lines 19, 22 and 23 on page 6, the reference character "(34)" has been inconsistently assigned.

Drawings

The drawings are objected to as failing to provide cross-sectional cut lines in Figure 1 although each of Figures 3-6 are described and shown as being cross-sections of Figure 1. Proposed drawing corrections or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In lines 5 to 6 of claim 1, the recitation "the first slot" appears to include a spelling error, thereby rendering the claim vague. Lines 14 to 15 in claim 1 are grammatically vague. Note the recitation "when the outer post partially receiving the inner post". Line 21 of claim 1 is grammatically vague. Note the recitation "out of the outer for user". Line 3 of claim 2 is grammatically incorrect. Note the recitation "two rails downward extending". In line 5 of claim 2, it is unclear which of the previously set forth "rails" is represented by the recitation "engaged to the rail". Line 6 of claim 3 is grammatically incorrect. Note the recitation "each stoppers of the locking". Similarly note line 6 of claim 6. Line 8 of claim 3 is vague. It is unclear what is being set forth by the recitation "the position purpose". Similarly note line 8 of claim 6. Lines 1 to 2 of claim 15 are grammatically incorrect. Note the recitation "two pushers respectively mounted in inner post". Similarly note claim 16. Claims 4, 5, and 7-14 are indefinite since each depends from an indefinite claim.

Allowable Subject Matter

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Claims 2-16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Conclusion

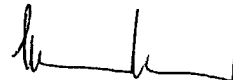
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. A telescoping, height adjustable armrest assembly is shown by each of Gollin et al (5997093), Chen (5895095), Lai (5435626), Lee (6659561), Lai (6585322), Chu et al (6419323), Melhuish et al (5265938), and Wu (6296313).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is 7033082117. The examiner can normally be reached on Monday-Friday 5:30-3:00.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Milton Nelson, Jr.
Primary Examiner
Art Unit 3636

mn
May 14, 2004